

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RONALD GRANDI

Plaintiff,

v.

MAIN LINE FUEL SERVICE, INC.

Defendant.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 08-4765
(JEI/JS)

**MEMORANDUM ORDER DISCHARGING
NOTICE OF CALL FOR DISMISSAL
(Docket No. 7)**

APPEARANCES:

COSTELLO & MAINS, P.C.
By: Kevin M. Costello, Esq.
Deborah L. Mains, Esq.
2090 Route 70 East
Cherry Hill, NJ 08003
Counsel for Plaintiff

IRENAS, Senior District Judge:

This matter having appeared before the Court upon the Notice of Call for Dismissal pursuant to Local Civil Rule 41.1(a), and it appearing that:

1. Plaintiff Ronald Grandi ("Plaintiff") initiated this action via a two count Complaint against Defendant Main Line Fuel Service, Inc. ("Defendant"), alleging violations of the Fair Labor Standards Act and the Portal to Portal Act.¹
2. On January 19, 2009, Plaintiff moved for default

¹ According to the Complaint, Plaintiff brought this action both individually and on behalf of all others similarly situated.

judgment, citing Defendant's failure to answer or otherwise defend against this action. (Dkt. No. 5)

3. On April 20, 2009, this Court denied the motion for default judgment without prejudice, based on Plaintiff's failure to establish that service was properly effected upon Defendant pursuant to Federal Rule of Civil Procedure 4(h). (Dkt. No. 6)

4. On July 8, 2009, the Clerk of Court issued a Notice of Call for Dismissal of this matter for lack of prosecution. (Dkt. No. 7) Plaintiff was directed to show cause why this matter should not be dismissed. The call for dismissal was scheduled for July 24, 2009, at 10:00 A.M. in Courtroom 1 of the United States Courthouse in Camden, New Jersey.

5. On July 21, 2009, Plaintiff filed a renewed Motion for Default Judgment (Dkt. No. 8), along with a Certification (Dkt. No. 9) regarding the scheduled Notice of Call for Dismissal. By those filings, Plaintiff has successfully demonstrated why this matter should not be dismissed.

And for good cause shown;

IT IS, on this 24th day of July, 2009,

ORDERED THAT

1. The Notice of Call for Dismissal (Dkt. No. 7) is hereby

DISCHARGED.

s/ Joseph E. Irenas
JOSEPH E. IRENAS, S.U.S.D.J.